

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

22388 U.S.F.T.O.
10/674971
093003

In re application of:

Gary K. Michelson, M.D.

Serial No: (Div. of 09/792,679)

Filed: September 29, 2003

For: INTERBODY SPINAL FUSION IMPLANT
HAVING A REDUCED WIDTH AND AN
ANATOMICALLY CONFORMED TRAILING
END

Prior Application Information:

Group Art Unit: (3738)

Examiner: (D. Willse)

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

CONTINUING APPLICATION TRANSMITTAL

Transmitted herewith for filing is a ☐ Continuation ☒ Divisional ☐ Continuation-In-Part application under 37 C.F.R. § 1.53(b) of prior patent application No. 09/792,679, filed February 22, 2001.

- ☐ Applicant claims small entity status under 37 C.F.R. §§ 1.9 and 1.27.
- ☒ 33 total application pages including specification, claims (49 total and 4 independent), and abstract are enclosed.
- ☐ A newly executed Declaration and Power of Attorney ☐ is enclosed ☐ will follow.
- ☒ A copy of the Declaration and Power of Attorney from the prior application is enclosed.
- The entire disclosure of the prior application, from which an oath or declaration is supplied, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.
- ☒ 9 sheets of formal drawings (A4 paper; Figs. 1-16B) are enclosed.
- ☐ The prior application is assigned of record to: _____.
- ☒ The power of attorney in the prior application is to at least one of the following: MARTIN & FERRARO, LLP; Thomas H. Martin, Reg. No. 34,383; Amedeo F. Ferraro, Reg. No. 37,129; and Todd M. Martin, Reg. No. 42,844.
- ☐ The power appears in the original Declaration of the prior application.
- ☒ Since the power does not appear in the original Declaration, a copy of the power in the prior application is enclosed.
- ☐ A certified copy of _____ Patent Application No. _____ filed _____ from which priority is claimed under 35 U.S.C. § 119 is enclosed.
- ☒ Information Disclosure Statement (IDS) and Form PTO-1449 are enclosed.
- ☒ Amend the specification by inserting before paragraph 1 on page 1 the following paragraph:
--This is a ☐ continuation ☒ divisional of application Serial No. 09/792,679, filed February 22, 2001, which is a continuation of application Serial No. 09/263,266, filed March 5, 1999, now U.S. Patent No. 6,241,770, all of which are incorporated herein by reference. - -
- ☐ Cancel Claims _____.

☒ An Amendment is enclosed.

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CALCULATION OF FEES								
ITEM		TOTAL NO. OF CLAIMS		NO. OF CLAIMS OVER BASE	LG \$ ENTITY FEE		\$ AMOUNT	\$ FEE
A	TOTAL CLAIMS FEE	49	-20	29	LG=\$18	\$18	522	
B	INDEPENDENT CLAIMS FEE*	4	-3	1	LG=\$84	\$84	84	
C	SUBTOTAL - ADDITIONAL CLAIMS FEE (ADD FINAL COLUMN IN LINES A + B)							\$ 606.00
D	MULTIPLE-DEPENDENT CLAIMS FEE					LARGE ENTITY FEE = \$280		\$
E	BASIC FEE					LARGE ENTITY FEE = \$750		\$ 750.00
F	TOTAL FILING FEE (ADD TOTALS FOR LINES C, D, AND E)							\$ 1,356.00

☒ A filing fee in the amount of \$1,356.00 is to be charged to Deposit Account No. 50-1066.

☒ Correspondence Address: Customer No. 22882
Martin & Ferraro, LLP
1557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: 330-877-0700
Facsimile: 330-877-2030

☒ The Commissioner is hereby authorized to charge any deficiency for the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1066. **A copy of this sheet is enclosed.**

- ☒ Any additional filing fees required under 37 C.F.R. § 1.16
☒ Any patent application processing fees under 37 C.F.R. § 1.17

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in the parent application, Serial No. 09/792,679, filed February 22, 2001, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 50-1066. A duplicate copy of this paper is enclosed for use in charging the deposit account.

Respectfully submitted,
MARTIN & FERRARO LLP

Date: September 29, 2003

By: Thomas H. Martin
Thomas H. Martin
Registration No. 34,383

1557 Lake O'Pines Street, NE
Hartville, Ohio 44632
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL

Express Mail Mailing Label No. EV 321 290 363 US
Date of Deposit: September 29, 2003

I hereby certify that:

1. Divisional Application Transmittal (in duplicate; \$1,356.00 filing fee charged to Deposit Account No. 50-1066)
2. 33 application pages including specification, claims (49 total and 4 independent), and abstract
3. Copy of Declaration and Power of Attorney from prior application
4. 9 sheets of formal drawings (A4 paper; Figs. 1-16B)
5. Copy of Revocation of Original Power of Attorney and Grant of New Power of Attorney from prior application
6. Amendment
7. Information Disclosure Statement Under 37 C.F.R. § 1.97(b) with Form PTO-1449
8. Self-addressed return postcard receipt

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: September 29, 2003


Sandra L. Blackmon

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